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House of RepresentativesCOMMITTEE ON THE JUDICIARY
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THE INTERNET AND INTELLECTUAL PROPERTY
SUBCOMMITTEE ON IMMIGRATION AND CLAIMSCOMMITTEE ON SCIENCE
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HOMELAND SECURITY

May 20, 2003

Support President Bush—Vote for the Dreier-Lofgren Amendment

Dear Colleague:

I urge your support for the Dreier-Lofgren amendment to the FY04 Defense Authorization bill. The President has asked Congress to pass this amendment so he can have the authority and flexibility to review the current system for computer export controls and develop a more effective system if he decides a change is necessary.

The 1998 National Defense Authorization Act (NDAA) requires the President to use the millions of theoretical operations per second (MTOPS) metric to measure computing performance and control computer exports. The President has repeatedly said that the MTOPS system is “broken” because it “consistently lags behind technological developments” and “needlessly penalizes U.S. business while failing to strengthen our national security.” “MTOPS has the shelf life of sliced bread.”

Numerous expert reports in the defense and security community support this analysis, including the Defense Department, the General Accounting Office, and the Center for Strategic and International Studies, all of which conclude that the MTOPS-based approach is obsolete and fails to effectively advance U.S. national security. For this reason, the various Export Administration Act (EAA) bills that were considered during the previous Congress all contained language repealing the MTOPS requirement.

A vote for this amendment **will not** repeal existing computer controls and compromise U.S. national security. If the MTOPS requirement contained in the 1998 NDAA is eliminated, the current MTOPS-based regime will, under current law and regulations, remain in place and controlled computers will remain on the National Security Control List. All that will change is that the President will have the authority and flexibility to review the current system and implement a more effective regulatory system in the future, in consultation with Congress.

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In sum, the President wants the authority to review the existing MTOPS-based system and develop a more effective computer export control system to protect U.S. national security and better account for modern technological and international market realities. I hope that you will support the President and bring America's computer export control policy into the 21st century, consistent with U.S. national security interests.

Sincerely,

Lamar Smith
Member of Congress